

2007 JUL 16 PM 3:44

MR. ELWOOD H. JONES
A339-441 D-5-27
878 COITSVILLE-HUBBARD RD.
YOUNGSTOWN, OH 44505-4635

MR. MICHAEL MONTA
-ATTORNEY AT LAW-
3626 OLD SALEM ROAD
DAYTON, OH 45415-1427

JULY 11, 2007

RE:CASE NO. 1:01-CV-564

MR. GARY W. CRIM
-ATTORNEY AT LAW-
943 MANHATTEN AVENUE
DAYTON, OH 45405-5141

DEAR MR. MONTA, MR. CRIM:

I HIGHLY APPRECIATE THE BRIEF PHONE CALL ON JULY 10, 2007, AT 10:50 A.M. TO INFORM ME THAT THE EVIDENTIARY HEARING HAS BEEN RESCHEDULED FROM JULY 16, 2007 TO SEPTEMBER 24, 2007, IN MY CASE FOR THE FOLLOWING REASON:

THE OHIO ATTORNEY GENERAL'S OFFICE WANTS TO SUBMIT AN AFFIDAVIT OR AT LEAST BE ALLOWED TO GO TO NEW YORK AND TAKE A DEPOSITION OF MS. NATHAN'S SON RELATING TO THE NUMBER OF CONFLICTING DESCRIPTIONS AND STATEMENTS HER RELATIVES MAY HAVE GIVEN CONCERNING THE ALLEGED PENDANT STOLEN FROM THEIR MOTHER.

AFTER GIVEN SOME THOUGHT TO THIS MATTER --- THE OHIO ATTORNEY GENERAL'S OFFICE IS REQUESTING PERMISSION TO SUBMIT AN AFFIDAVIT OR AT THE LEAST BE ALLOWED TO TAKE DEPOSITIONS OF MS. NATHAN'S TWO SONS 13½ YEARS AFTER THE FACT, TO TRY AND OFFER SOME TYPE OF PRETEXT EXCUSE IN CLEANING UP THE NUMBER OF CONFLICTING DESCRIPTIONS AND STATEMENTS GIVEN BY THE VICTIM'S SONS AND DAUGHTER-IN-LAW BEFORE THE COURT CONCERNING THE ALLEGED PENDANT IN QUESTION.

MR. MONTA, MR. CRIM, I FULLY OPPOSE THIS REQUEST OF THE OHIO ATTORNEY GENERAL'S OFFICE. THIS HEARING IS A ON BRADY VIOLATION ON THE WITHHOLDING OF EVIDENCE IN THE WAY OF STATEMENTS NOT A HEARING TO DEVELOP A NEW RECORD. THE WAY I SEE IT IS THEY ARE SEEKING TO CREATE A NEW RECORD THROUGH MS. NATHAN'S TWO SONS TO CORRECT THE CONFLICTING STATEMENTS AND DESCRIPTIONS FOUND WITHIN THE FILE OF THE HAMILTON COUNTY PROSECUTOR'S OFFICE THAT PROSECUTORS PIEPMEIR AND TIEGER WITHHELD DURING MY TRIAL THAT MS. NATHAN'S SONS, HIS WITNESSES, MADE CONCERNING THE ALLEGED PENDANT. THIS WILL BE ANOTHER CONFLICTING STATEMENT.

I AM REQUESTING AT THIS TIME TO THE BOTH OF YOU TO MAKE A MOTION TO THE COURT OPPOSING ON ALL LEVELS --- OHIO ATTORNEY GENERAL'S REQUEST TO CREATE A NEW RECORD THROUGH MS. NATHAN'S TWO SONS WITHIN THE NEXT 10 CALENDAR WORKING DAYS UPON RECEIVING THIS

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LETTER POINTING OUT A SUPPLEMENTARY REPORT AND HANDWRITTEN NOTES BY SGT. J. SCHAFER ON SEPTEMBER 15 AND 16 1994, CONCERNING AN INTERVIEW CONDUCTED WITH ONE OF MS. NATHAN'S SONS AND DAUGHTER-IN-LAW I.E. VAL AND ELKE FOUND WITHIN THE HAMILTON COUNTY PROSECUTOR'S FILES UPON THIS COURT GRANTING DISCOVERY IN THIS CASE, CASE NO. 1:01-CV-564.

1. ACCORDING TO SGT. SCHAFER'S HANDWRITTEN PRINTED NOTES AND THE SUPPLEMENTARY REPORT FROM 9-15-94 UPON INTERVIEWING VALENTINE NATHAN. THIS REPORT SHOWS THE PENDANT WAS NOT **CUSTOM-CRAFTED** FROM **MRS. NATHAN'S HUSBAND'S MOTHER'S ENGAGEMENT RING**. DURING THE SAID INTERVIEW WITH VALENTINE NATHAN ON 9-15-94; IRA NATHAN STATED THAT THE PENDANT HAD NOT BEEN CUSTOM-CRAFTED FROM HIS MOTHER'S DIAMOND ENGAGEMENT RING AS ORIGINALLY THOUGHT. HE WAS IN POSSESSION OF HIS MOTHER'S ENGAGEMENT RING AND HE DIAMOND IN HER RING WAS LOST SEVERAL YEARS AGO. THREE (3) YEARS AGO HE HAS THE DIAMOND REPLACED IN HIS MOTHER'S RING. HIS SISTER-IN-LAW'S PENDANT WAS NEVER MADE FROM HIS MOTHER'S ENGAGEMENT RING. **IT WAS NOT CUSTOM-CRAFTED. THE PENDANT WAS BOUGHT AT A STORE IN PELLAIN BAY.**

MR. MONTA, MR. CRIM, IN PRESENTING THIS ARGUMENT TO THE COURT THAT THE OHIO ATTORNEY GENERAL'S OFFICE WANTS TO PRESENT AFFIDAVIT OR AT LEAST GO TO NEW YORK AND TAKE A DEPOSITIONS OF MS. NATHAN'S SONS TO CREATE A NEW RECORD TO CORRECT THE CONFLICTING STATEMENTS AND DESCRIPTIONS MADE BY THE SONS 13½ YEARS AGO WITH RESPECT TO THE ALLEGED PENDANT IN THIS CASE THIS IS NOT THE FORMAT TO PRESENT THE ISSUES TO THE COURT. THE ISSUES MR. JONES PRESENT TO THIS COURT RELATES TO VARIOUS DOCUMENTS WITHHELD BY THE PROSECUTION IN THIS CASE:

- A. THAT THE JURY WAS NOT ABLE TO HEAR OR WEIGH THE NUMBER OF INCONSISTENT DESCRIPTION GIVEN BY MS. NATHAN'S SON AND DAUGHTER-IN-LAW DESCRIBING MS. NATHAN'S NECKLACE AS BEING SILVER-IN-COLOR, WITH THREE (3) DIAMONDS. IN FACT, THE SON STATED THAT HE WAS ALMOST CERTAIN THAT IS WAS NOT GOLD. SINCE OHIO STATE APPELLATE COURTS AND SUPREME COURT HAS CONTINUOUSLY RULED IT WAS THE UNIQUENESS OF **MS. NATHAN'S STOLEN PENDANT** THAT SHE ALWAYS **WORE** AROUND **HER NECK** THAT MADE **MR. JONES GUILT** SO CONVINCING AND INFLUENCED ON THE JURY VERDICT IN UPHOLDING THE CONVICTION AND DEATH SENTENCE AGAINST MR. JONES.
- B. THE **WITHHELD FACTUAL EVIDENCE** FOUND WITHIN THE **BLUE ASH POLICE** AND **PROSECUTOR'S FILES** RELATING TO MS. NATHAN'S SON AND DAUGHTER-IN-LAW AND BROTHER-IN-LAW IRA NATHAN

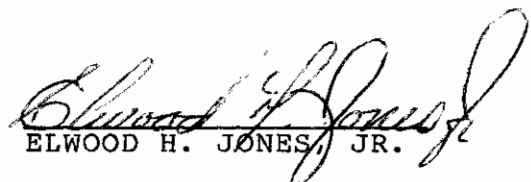
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CONFLICTING STATEMENTS AND DESCRIPTIONS WITH RESPECT TO THE ALLEGED PENDANT IN THIS CASE PUT HIS **TRIAL ATTORNEYS** MR. SANK AND MS. ADAMS AT A **DISADVANTAGE** IN **REPRESENTING HIM THROUGHOUT THE COURSE OF HIS TRIAL NOR DID HE RECEIVE A FAIR TRIAL.**

MR. MONTA, MR. CRIM, NOW I AM REQUESTING THAT THE BOTH OF YOU IMMEDIATELY HONOR MY REQUEST UPON RECEIVING THIS LETTER AND SUBMIT THE PROPER MOTION ON MY BEHALF OPPOSING THE OHIO ATTORNEY GENERAL'S REQUEST TO CREATE A NEW RECORD THROUGH MS. NATHAN'S TWO SONS 13½ YEARS LATER RELATING TO A BRADY ISSUE. I AM ALSO REQUESTING THAT YOU SEND ME A COPY OF THE NEW COURT ORDER RESCHEDULING THE EVIDENTIARY HEARING FROM JULY 16, 2007, TO SEPTEMBER 24, 2007, AND ANY ATTACHED MOTIONS RELATING TO THAT ORDER AND/OR LEADING UP TO THE SAID MOTION(S) OR PLEADINGS FILED IN THIS CASE.

MR. MONTA, MR. CRIM, NO DISRESPECT TO EITHER OF YOU BUT UNDERSTAND I AM ALSO SENDING A COPY OF THIS LETTER TO MR. JAMES BONINI, UNITED STATES DISTRICT CLERK OF COURT, REQUESTING THAT THIS LETTER BE MADE PART OF THE CASE FILE EXPRESSING MY OBJECTION TO MR. MATTHEW C. HELLMAN'S ATTEMPT TO CREATS A NEW RECORD IN THE ABOVE MATTER.

SINCERELY,


ELWOOD H. JONES, JR.

CC: